THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.7875 OF 2005

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Dated: 13-12-2005

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Between

Smt. D. Jyothi, W/o. K. Dinesh, Occ: Managing Partner, M/s. Bhavani Foundry, Patancheru Town, R/o. H.No.12-2-417/1/11, Sardarnagar Colony, Gudimalkapur, Hyderabad.

...PETITIONER

AND

The Superintendent of Police, Ramchandrapuram, Sangareddy at Medak District and another.

...RESPONDENTS

ORDER:

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Heard the learned counsel for the petitioner as well as the Government Pleader for Home.

The grievance of the petitioner is that she filed a private complaint before the Principal Judicial First Class Magistrate, Sangareddy on 07.10.2004, which was referred to the second respondent. Thereafter, the second respondent registered the FIR.No.328 of 2004 against the accused for the offence under Sections 380 and 448 of Indian Penal Code, but the investigation has not been completed without any justification whatsoever.

Counter has been filed stating that the pursuant to the receipt of said complaint from the learned Magistrate, the second respondent registered it as a case in Cr.No.328 of 2004 under Sections 380 and 448 IPC dated 12.10.2004 and took up investigation. During the

course of the investigation the complainant/petitioner and other witnesses were examined and their detailed statements were recorded and investigation was completed. Thereafter, the final report was submitted to the Sub-Divisional Police Officer, for according permission to treat the complaint of the petitioner as civil in nature. But notice could not be served on the petitioner and without serving the notice the final report was filed before the learned Magistrate on 24.06.2005.

In view of the aforesaid final report, this Court is of the opinion that the question of declaring the action of the respondents in not investigating against the accused in FIR.No.328 of 2004 as illegal does not arise and if the petitioner is aggrieved by the said final report it is open for the petitioner to file a protest application and contest before the concerned Court.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

December 13, 2005

DSK